

CHAPTER NO. 666**HOUSE BILL NO. 3989****By Representatives McMillan, Moore****Substituted for: Senate Bill No. 3871****By Senators Kyle, Jackson**

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 28 and Title 41, Chapter 1, relative to diversion centers for technical violators.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 1, Part 1, is amended by adding the following as new Section 41-1-123:

(a) The department of correction, in cooperation with the board of probation and parole, is authorized to establish a diversion program at one or more locations in the state. The program shall provide a structured environment for selected parole technical violators based upon a therapeutic community model. Participants in the program shall, at a minimum, be required to take part in counseling, educational and other programs as the department may deem appropriate, to provide community service, and to submit to drug and alcohol screening.

(b) Parole technical violators referred by the board of probation and parole for participation in the diversion program shall not be placed in the program unless and until the offender has been classified by the department as a suitable candidate for such program in accordance with policies and guidelines developed jointly by the department and the board.

(c) At its discretion, the department is authorized to operate any program established under this section in conjunction with the special probation technical violator program established under the authority of Tennessee Code Annotated, Title 40, Chapter 20, Part 3.

(d) As used in this section, "parole technical violator" means an offender who has violated the conditions of his or her parole other than by the commission of a new felony offense.

SECTION 2. Tennessee Code Annotated, Section 40-28-122 is amended by adding the following language at the end of subsection (d):

At a revocation hearing for a prisoner paroled from a department of correction facility, the board may also, in conjunction with revocation of the prisoner's parole for reasons other than the commission of a new felony offense, re-parole the prisoner effective upon the department's certification that the prisoner has successfully completed a diversion program established by the department of correction pursuant to § 41-1-123. If such an offender fails to successfully complete the program, the offender shall be scheduled for a pre-parole rescission hearing.

SECTION 3. Tennessee Code Annotated, Section 40-28-505 is amended by inserting the language "conducted pursuant to § 40-28-122" after the language "revocation hearing" in subsection (b).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 27, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 12th day of May 2006


PHIL BREDESEN, GOVERNOR